

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

Banco Popular Dominicano, C. Por A.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Levi Strauss & Co.

THIRD PARTY SUMMONS IN A  
CIVIL ACTION

Case Number: 07 Civ. 6443 (LTS) (THK)

V. THIRD PARTY DEFENDANT

QST Dominicana, LLC

To: Name and address of Third Party Defendant

QST Dominicana, LLC  
525 Monroe St., Suite 1400  
Chicago, IL 60661  
Attn: President

**YOU ARE HEREBY SUMMONED** and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Mary Ellen Shuttleworth, Esq.  
HERRICK, FEINSTEIN LLP  
2 Park Avenue  
New York, NY 10016

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

COOLEY GODWARD KRONISH LLP  
1114 Avenue of the Americas  
New York, NY 10036  
Attn: Ronald R. Sussman, Esq.  
(212) 479-6000

-and-

Attn: Robert L. Eisenbach III, Esq.  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800

an answer to the third-party complaint which is served on you with this summons, within \_\_\_\_\_ days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 27 2007

CLERK

DATE

(By) DEPUTY CLERK

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>		DATE
NAME OF SERVER		TITLE
<i>Check one box below to indicate appropriate method of service</i>		
<div><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</div> <div><input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p>_____ Signature of Server</p> <p>_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BANCO POPULAR DOMINICANO, C. POR A.

PLAINTIFF(S)

vs.

LEVI STRAUSS & CO.

DEFENDANT(S)

COURT DATE:

Case No.  
07 CIV. 6443 (LTS) (THK)

AFFIDAVIT OF SERVICE OF:  
THIRD PARTY SUMMONS IN A CIVIL CASE; ANSWER WITH  
COUNTERCLAIM AND THIRD PARTY COMPLAINT IN INTERPLEADER

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.


On **Aug 29, 2007**, at **11:05 AM**, I served the above described documents upon **QST DOMINICANA, LLC** as shown below:

**CORPORATE SERVICE** was made by leaving a true and correct copy of the documents with **JEFF CARLEVATO / CHIEF FINANCIAL OFFICER**, an officer, managing agent or authorized agent of the within named company.

Said service was effected at **525 MONROE ST. , STE 1400, CHICAGO, IL 60661**.

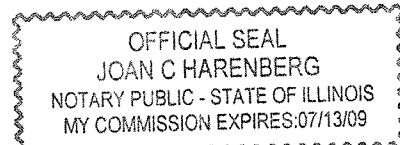
**DESCRIPTION:** Gender: **M** Race: **WHITE** Age: **55** Hgt: **6'1"** Wgt: **190** Hair: **BLACK/GRAY** Glasses: **NO**

I declare under penalties of perjury that the information contained herein is true and correct to the best of my knowledge.



Robert D Fairbanks, Lic #: 117-001119

SUBSCRIBED AND SWORN to before me this 29th day of August, 2007

  
NOTARY PUBLIC

CLIENT NAME:  
Rapid & Reliable Attorney Service, Inc.  
FILE #:

ORIGINAL PROOF OF SERVICE

TRACKING #  
33271